

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

APPLETON PAPERS, INC. et al.,

Plaintiffs,

v.

Case No. 08-C-16

GEORGE A. WHITING PAPER CO., et al.,

Defendants.

ORDER

Based on the Stipulation submitted by NCR Corporation (“NCR”) and Appleton Papers Inc. (“API”) (collectively, “Plaintiffs”) and U.S. Paper Mills Corp. (“U.S. Paper”), IT IS HEREBY ORDERED that:

1. The Court’s judgment to be entered in favor of U.S. Paper and against NCR on U.S. Paper’s CERCLA contribution counterclaim for past costs will be in the amount of \$0, because U.S. Paper was reimbursed for those costs by its insurers;

2. This Order shall have no effect on the Court’s ruling that a declaratory judgment shall be entered in favor of U.S. Paper declaring that NCR is liable for future response costs incurred by U.S. Paper in connection with Operable Unit (“OU”) 2-5 of the Lower Fox River Site (the “Site”) that are properly recoverable under CERCLA, subject to any insurance/indemnity offsets that apply to those future response costs as determined by the Court (*see* Dkt. #1080, #1405);

3. This Order shall have no effect on the Court’s ruling that a declaratory

judgment shall be entered in favor of U.S. Paper declaring that NCR is liable for future natural resource damages (Dkt. #1191 at 6) incurred by U.S. Paper in connection with OU2-5 of the Site that are properly recoverable under CERCLA, subject to any insurance/indemnity offsets that apply to those future damages as determined the Court (*see* Dkt. #1080, #1405);

4. This Court shall retain jurisdiction over any disputes concerning recoverability of future response costs related to the Site, recoverability of future natural resource damages (Dkt. #1191 at 6) related to the Site and/or future insurance/indemnity offsets related to those future costs and damages, including to resolve any motion for additional relief based on a declaratory judgment pursuant to 28 U.S.C. § 2202;

5. This Order shall have no effect on the Court's ruling dismissing all counterclaims against API;

6. Upon entry of Final Judgment in this matter, Plaintiffs and U.S. Paper shall be bound by all provisions set forth in that Final Judgment that apply to them, individually or collectively; and

7. This Order shall not affect any of Plaintiffs' or U.S. Paper's rights to challenge, on appeal or otherwise, the Court's March 2011 Order (Dkt. #1080), the Court's July 2012 Order (Dkt. #1405), or any other order issued by this Court.

Dated this 17th day of June, 2013.

/s William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court